

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:)	Group Art Unit: 1793
)	
SEAL)	Examiner: Slifka, Colin W.
)	
Serial No.: 10/591,052)	<u>REQUEST FOR REFUND</u>
)	<u>UNDER 37 C.F.R. §1.26</u>
Filed: March 18, 2005)	
)	
Confirmation No.: 6449)	
)	
Atty. File No.: 12854-20446)	
)	
For: "REMEDIAL HEAP TREATMENT")	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir or Madam:

On January 21, 2009, a Reply to Office Action was submitted electronically with the U.S. Patent Office in connection with the above-identified patent application. The Office Action was dated October 17, 2008, and therefore, the end of the three-month shortened statutory period for filing a response to the Office Action was January 17, 2009. However, pursuant to 37 CFR §1.7, since this date fell on a Saturday a response filed on the next succeeding business day would be a timely response within the three-month period. The next succeeding business day was January 21, 2009, because January 18 was a Sunday and January 19 and 20 were Federal holidays within the District of Columbia – the birthday of Martin Luther King Jr. and Inauguration Day, respectively. Therefore, it is believed that the response filed January 21, 2009 was timely filed within the three-month shortened statutory period, and no extension should have been required under 37 C.F.R. §1.136(a).

Nevertheless, on February 13, 2009, the USPTO charged a fee of \$130.00 for a one-month extension of time to this application, which was debited to Deposit Account No. 50-1419. A copy of the February 2009 Deposit Account Statement is attached for your reference. Applicant believes this amount was debited in error, because as noted above, the response was timely filed within the three-month shortened statutory period.

It is respectfully requested that \$130.00 be refunded by a credit to Deposit Account No. 50-1419.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

Date: April 6, 2009

By: 

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United States Patent and Trademark Office
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Deposit Account Statement for - Account#: 501419 (02/2009)					
Opening Balance :		\$4,568.00	Total Sale :	\$7,803.00	
Closing Balance :		\$5,065.00	Total Adjustment :	\$300.00	
			Total Replenishment :	\$8,000.00	
Type	Transaction Status	Date Posted	Name/Number	Attorney Docket Number	Account Balance
Replenishment	Completed	02/04/2009	E-REPLENISHMENT		\$9,568.00
Sale	Active	02/06/2009	PCT/US09/32716	50348-00010	\$5,324.00
Sale	Active	02/13/2009	10591052	12854-20446	\$5,194.00
Sale	Active	02/20/2009	11426072	SUN060815	\$4,974.00
Sale	Active	02/23/2009	11621332	50325-00003	\$4,766.00
Sale *	Reversed	02/23/2009	12126760	50000-00022	\$4,115.00
Sale	Reversed	02/23/2009	12126760	50000-00022	\$1,765.00
Adjustment	Active	02/26/2009	11872338	50383-00030	\$2,065.00
Replenishment	Completed	02/27/2009	E-REPLENISHMENT		\$5,065.00

(*) Indicates that a single payment paid for multiple items or multiple payments paid for a single item.